

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

ALEXANDER JONES

PLAINTIFF

VS.

CIVIL ACTION NO. 4:06CV78LS

**MATTIE COLLINS; OFFICER UNKNOWN
TANSLEY and SGT UNKNOWN TRAILOR**

DEFENDANTS

ORDER

This matter came before the court on the Plaintiff's Motion to Issue Subpoena for Medical Records, by which he asks the court to subpoena his medical file from Rush Hospital to support his claims. Summons has only recently been issued in this case, and there is no evidence on the docket that it has been served on the Defendants. After the Defendants have been served with process and filed an answer to the Complaint, the court will schedule this case for an Omnibus Hearing. At that hearing, after permitting the Plaintiff to orally describe his claims against the Defendants, the court will determine what discovery is necessary to prepare this case for trial. If the court determines that it will need medical records from an outside source, those records cannot be obtained until after the Plaintiff signs a waiver of his privacy rights to those records. For all of these reasons, the Plaintiff's Motion is premature and will be denied. This denial does not, however, prevent the Plaintiff from requesting, during the Omnibus Hearing, that these records be obtained.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion to Issue Subpoena for Medical Records is hereby **denied**.

IT IS SO ORDERED, this the 27th day of November, 2006.

S/James C. Sumner
UNITED STATES MAGISTRATE JUDGE